


Docket No.: TER-00264-2

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper for Serial No. 10/034,918 is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.


Signature

April 5, 2004

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Claus-F. Claussen

Confirmation No.: 1307

Appl. No. : 10/034,918

Filed : October 21, 2001

For : Method and Apparatus for Determining a Neck Movement Pattern

Examiner : Anthony T. Dougherty

Group No.: 2863

Customer No.: 24131

**TERMINAL DISCLAIMER TO OBVIATE
A NON-STATUTORY DOUBLE PATENT REJECTION (37 C.F.R. 1.321 (c))****Identification of Person(s) Making This Disclaimer**

I, WERNER H. STEMER, represent that I am the attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

DISCLAIMER**(Obviousness-Type Double Patenting Rejection Over a Prior Patent)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,473,717, as presently shortened by any terminal disclaimer.

Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date

of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent forming the basis of the double patenting rejection, namely, Patent No. 6,473,717, as presently shortened by any terminal disclaimer, in the event that it later:

- expires for failure to pay a maintenance fee
- is held unenforceable
- is found invalid by a court of competent jurisdiction
- is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321
- has all claims canceled by a reexamination certificate
- is reissued, or
- is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE (37 C.F.R. § 1.20(d))

■ Applicant is entitled to small entity status - fee \$55.00

FEE PAYMENT

Payment in the amount of \$55.00 is enclosed. Charge Account No. 12-1099 of Lerner and Greenberg, P.A. for any fee deficiency.



Werner H. Stermer
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April 5, 2004

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